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PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 2nd September, 1973/Bhadra 11, 1895 (Saka)

The following President's Act is published for general information:—

THE UTTAR PRADESH STATE LEGISLATURE
(PREVENTION OF DISQUALIFICATION)

AMENDMENT ACT, 1973

NO. 14 OF 1973

Enacted by the President in the Twenty-fourth Year of the
Republic of India.

An Act to amend the Uttar Pradesh State Legislature (Prevention of
Disqualification) Act, 1971.

In exercise of the powers conferred by section 3 of the Uttar Pradesh
33 of 1973. State Legislature (Delegation of Powers) Act, 1973, the President is
pleased to enact as follows:—

1. (1) This Act may be called the Uttar Pradesh State Legislature Short
(Prevention of Disqualification) Amendment Act, 1973. title and com-

(2) It shall be deemed to have come into force on the 12th day of June, 1973. mence-

2. In section 3 of the Uttar Pradesh State Legislature (Prevention of
Disqualification) Act, 1971, after clause (t), the following clauses shall be
inserted, namely:— ment of section 3.

U.P. Act
15 of
1971.

“(u) the office of Chairman, Deputy Chairman or a member of
the State Planning Commission,

(v) the office of the Chairman or a member of the Committee appointed by the State Government by Office Memorandum No. 4519-B/33-111-71, dated the 13th December, 1971, of the Panchayati Raj (2) Department of the State Government.

(w) the office of Chairman or a member of the Revenue Judiciary Reorganization Committee appointed by the Revenue Department of the State Government,

(x) the office of the Chairman or member (whether called Director or by any other name) of each of the following statutory bodies, namely:—

- (1) Uttar Pradesh State Financial Corporation.
- (2) Uttar Pradesh State Road Transport Corporation.
- (3) Uttar Pradesh State Warehousing Corporation.
- (4) Uttar Pradesh Avas Evam Vikas Parishad,

(y) the office of the Chairman or member (whether called Director or by any other name) of each of the following non-statutory bodies, namely:—

- (1) Uttar Pradesh State Small Industries Corporation Ltd.
- (2) Uttar Pradesh State Agro-Industrial Corporation Ltd.
- (3) Uttar Pradesh Cement Corporation Ltd.
- (4) Uttar Pradesh State Industrial Corporation Ltd.
- (5) Uttar Pradesh State Sugar Corporation Ltd.
- (6) Uttar Pradesh State Textile Corporation Ltd.
- (7) Uttar Pradesh State Bridges Corporation Ltd.
- (8) Uttar Pradesh Export Corporation.
- (9) Hill Development Corporation Ltd.
- (10) Pradeshia Industrial and Investment Corporation of Uttar Pradesh Ltd.
- (11) Indian Turpentine and Rosin Company Ltd.
- (12) Uttar Pradesh State Handloom Corporation.
- (13) Poorvanchal Vikas Nigam Ltd.
- (14) Bundelkhand Vikas Nigam Ltd.,

(z) the office of Chairman or a member, or, as the case may be, of the Controller, if any, of the Sunni Central Board or Shia Central Board of Waqfs in Uttar Pradesh.”

Repeal.

3. The Uttar Pradesh State Legislature (Prevention of Disqualification) (Amendment) Ordinance, 1973, is hereby repealed.

U.P.
Ordinance
4 of 1973,

V. V. GIRI,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

The Government of State of Uttar Pradesh by O.M. No. 4519-B/33-111-71, dated the 13th December, 1971 of the Panchayati Raj (2) Department appointed a Committee. The Chairman of that Committee was a member of the Legislative Assembly. The Chairman of that Committee was entitled to get the emoluments and facilities as available to a Minister in the State. According to the provisions of the Uttar Pradesh State Legislature (Prevention of Disqualification) Act, 1971, read with article 191(1)(a) of the Constitution, he would have been disqualified from membership of the Legislature by reason of his holding the office of Chairman which was an office under the Government and to which profit was so attached. It was, therefore, decided by the State Government that this office should be declared by the Legislature to be an office holding of which shall not disqualify the holder from being chosen as or from being member of the Legislature under article 191(1)(a) of the Constitution. The occasion was also availed of so as to include certain offices of other statutory and non-statutory corporations and companies owned or controlled by the State Government to the list of offices which were to be exempt from such disqualification.

2. As the State Legislature was not in session and immediate action was considered necessary, the Governor of Uttar Pradesh promulgated on 12th June, 1973 the Uttar Pradesh State Legislature (Prevention of Disqualification) Ordinance, 1973, which provides for amendment of the Uttar Pradesh State Legislature (Prevention of Disqualification) Act, 1971 for the above purpose.

3. The proposed measure seeks to replace the said Ordinance.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973 (33 of 1973) has been consulted before the enactment of this measure as a President's Act.

K. K. SUNDARAM,

Secy. to the Govt. of India.

*Ministry of Law, Justice and Company Affairs
(Legislative Department).*

